







UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	CATION NO. FILING DATE FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/934,101	08/20/2001	Rolf Marggi	14100	7935	
25763 7	7590 02/11/2004		EXAMINER		
DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT 50 SOUTH SIXTH STREET			MENDEZ, MANUEL A		
			ART UNIT	PAPER NUMBER	
MINNEAPOL	IS, MN 55402-1498		3763		
			DATE MAILED: 02/11/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

					Ç			
		Applicati	on No.	Applicant(s)				
Office Action Summary		09/934,1	01	MARGGI ET AL.	•			
		Examine		Art Unit				
		Manuel N	/lendez	3763				
Period fo	The MAILING DATE of this commun or Reply	nication appears on the	e cover sheet with the o	correspondence add	iress			
THE - Exte after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD IN MAILING DATE OF THIS COMMUN nsions of time may be available under the provision SIX (6) MONTHS from the mailing date of this come is period for reply specified above is less than thirty (c) period for reply is specified above, the maximum sure to reply within the set or extended period for reply received by the Office later than three months ed patent term adjustment. See 37 CFR 1.704(b).	IICATION. s of 37 CFR 1.136(a). In no ev munication. nunication, a reply within the state statutory period will apply and w y will, by statute, cause the app	ent, however, may a reply be tir utory minimum of thirty (30) day ill expire SIX (6) MONTHS from lication to become ABANDONE	nely filed is will be considered timely, the mailing date of this country (D) (35 U.S.C. § 133).				
Status								
1)□	Responsive to communication(s) fil	led on .						
2a)□								
3)□								
•	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims							
5) 6) 7)								
Applicat	ion Papers							
9)[The specification is objected to by t	he Examiner.			•			
10)[10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)	The oath or declaration is objected	to by the Examiner. N	ote the attached Office	e Action or form PT	O-152.			
Priority	under 35 U.S.C. § 119							
a)	Acknowledgment is made of a claim All b) Some * c) None of: 1. Certified copies of the priority 2. Certified copies of the priority 3. Copies of the certified copies application from the Internations See the attached detailed Office actions	y documents have been y documents have been sof the priority documental Bureau (PCT Ru	en received. en received in Applicat ents have been receiv le 17.2(a)).	ion No ed in this National (Stage			
Attachmer	nt(s)							
	ce of References Cited (PTO-892)		4) Interview Summary	y (PTO-413)				
3) Infor	ce of Draftsperson's Patent Drawing Review of mation Disclosure Statement(s) (PTO-1449 of PTO-1449 of		Paper No(s)/Mail D 5) Notice of Informal 6) Other:		-152)			

Application/Control Number: 09/934,101

Art Unit: 3763

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Figures 1, 5, and 7, respectively.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the pending claims is considered generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

Application/Control Number: 09/934,101

Art Unit: 3763

showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel Mendez whose telephone number is 703-308-2221. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Brian Casler can be reached on 703-308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/934,101

Art Unit: 3763

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manuel Mendez Primary Examiner Art Unit 3763

MM